

REMARKS

Overview

These remarks are set forth in response to the Non-Final Office Action. Presently, claims 1-3, 6-10 and 19-23 are pending in the Patent Application. Claims 1 and 19 are independent in nature. Claims 4-5, 11-18 and 24-26 were previously withdrawn from consideration. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claim 1 in order to facilitate prosecution on the merits.

Allowable Subject Matter

Applicant would like to thank the Examiner for indicating the allowability of claims 19-23. Applicant would also like to thank the Examiner for the indication of allowable subject matter in claim 8 if amended to include all of the limitations of the base claims and any intervening claims. Applicant wishes to defer amending these claims at this time. Applicant believes the base claims are allowable as discussed below.

Unaddressed Claims

Applicant respectfully submits that all of the claims have not been addressed in the outstanding Office Action. Specifically, the Office Action fails to address claims 9 and 10. Claim 9 and 10 are identified as being objected to in the Office Action Summary. Applicant submits, however, that they have been unable to locate any objection or rejection of claims 9 and 10 in the Office Action. Applicant submits that the failure to address these claims causes the status of the unaddressed claims to be uncertain and further renders the Office Action deficient.

MPEP § 707.07(d) states:

Where a claim is refused for any reason relating to the merits thereof it should be "rejected" and the ground of rejection fully and clearly stated, and the word "reject"

must be used. The examiner should designate the statutory basis for any ground of rejection by express reference to a section of 35 U.S.C. in the opening sentence of each ground of rejection.

Because the Office Action failed to address claims 9 and 10 in the manner required by the MPEP, Applicant cannot determine whether the Examiner intended to reject or allow these claims.

37 C.F.R. § 1.104(b) requires that the Office Action must be complete as to all matters and such is not the case where one or more claims have not been addressed. Accordingly, Applicant respectfully requests that the Examiner issue a new Office Action addressing claims 9 and 10 as required by the MPEP and the C.F.R or an Notice of Allowance with respect to all of the pending claims. Additionally, because a rejection of claims 9 and 10 is not present in the current Office Action, Applicant respectfully notes that any new Office Action rejecting claims 9 and 10 should not be made Non-Final per 37 C.F.R. § 1.113.

Claim Rejections - 35 U.S.C. § 103

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Publication No. 2002/0136298 to Anantharamu et al. (hereinafter “Anantharamu”) in view of United States Publication No. 2005/0271072 to Anderson et al. (hereinafter “Anderson”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

Applicant submits that the cited references, taken alone or in combination, fail to teach each and every element recited in claims 1-7 and thus they define over the cited references. For example, with respect to claim 1, the cited references fail to teach at least the following language:

providing the framed acoustic data from the client device to the host device in response to the data request, wherein the host device is operative to check for alignment errors among the framed acoustic data based on alignment information.

According to the Office Action, the above-recited language is disclosed by Anderson at paragraphs [0182] and [0183]. This assertion is respectfully traversed.

Applicant respectfully submits that claim 1 defines over Anderson. Anderson, arguably, teaches a high data rate interference apparatus and method. More particularly, the cited portions of Anderson, arguably, teach a host that enables receipt of communication data at the host from the client device by sending a special command or packet type to the client that allows it to take over the bus link) for a specified duration and send data to the host as reverse packets. Applicant submits, however, that they have been unable to locate any teaching in Anderson directed to the host being operative to check for alignment errors among the framed acoustic data based on alignment information as recited in amended independent claim 1. In fact, as correctly recited in the Office Action at least on page 5, Applicant submits that the “prior arts do not teach...checking for alignment errors among the framed acoustic data based on the alignment information.” Applicant submits that Anantharamu fail to remedy the above-identified deficiencies of Anderson. Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in amended independent claim 1.

Absence from the cited references of the above-mentioned claim elements negates obviousness. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 2-7, which depend from claim 1, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

It is believed that claims 1-26 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the Deposit Account No. 50-4238.

Respectfully submitted,
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Andrew H. Aurand, Reg. No. 61,875
Under 37 CFR 1.34(a)

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